United Nations A/62/PV.65

General Assembly
Sixty-second session

Official Records

65th plenary meeting
Monday, 10 December 2007, 3 p.m.
New York

President: Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

The meeting was called to order at 3.30 p.m.

Agenda item 18 (*continued*)

Question of Palestine

Draft resolutions A/62/L.18, A/62/L./19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1

The President: Members will recall that the Assembly held a debate on this item at its 58th and 59th plenary meetings, on 29 and 30 November 2007.

I give the floor to the representative of Senegal to introduce the draft resolutions.

Mr. Badji (Senegal) (*spoke in French*): During my statement on 29 November, at the 58th meeting, on the occasion of the debate on agenda item 18, I described the context in which the question of Palestine developed. It is in that very same context – also emphasized by a large majority of Member States – that I wish to present to the Assembly here and now the four draft resolutions approved by the Committee on the Exercise of the Inalienable Rights of the Palestinian People: draft resolutions A/62/L.18, A/62/L./19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1.

The first three draft resolutions (A/62/L.18, A/62/L.19 and A/62/L.20/Rev.1) relate to the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights and the special information programme on the question of Palestine of the Department of Public Information. The important mandates granted to these bodies by the General Assembly are reaffirmed in these texts. As in the past, the Committee proposes to profitably make use of the resources made available to it to carry out all the planned activities in its annual programme. These three draft resolutions contain updated data.

Before going any further, I wish to take this opportunity to dispel certain misunderstandings concerning the mandate of the Committee. The positions of the Committee on the settlement of the Palestinian question are similar in many respects, if not identical, to those of the majority of the other groups of Member States, and the European Union in particular. As Permanent Representative of Senegal and the Chairman of the Committee, I have had many opportunities to discuss the role of the Committee with my colleagues from different regional groups.

For example, recently, under my direction, a delegation of the Committee held a series of discussions with the representatives of European institutions in Brussels. The fact is that the Committee has periodically held consultations with delegations from the European Union and the European Commission and their successive presidents since 1996. Throughout the years, it has appeared that the positions of the Committee and those of the member States of the European Union come together basically on a certain number of points.

I wish also to emphasize that the Committee has consistently supported the peace process in the Middle East, and especially since the Madrid Peace Conference of 1991, which launched the political

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

07-63399 (E)

process on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. While demanding the end of the occupation of Palestinian territory, it has firmly supported the objective of a two-State solution, Israel and Palestine, living side by side in peace and security within the pre-1967 borders. The Committee welcomed the Road Map established by the Quartet and asked the two parties to implement it.

As I have already said, the Committee has welcomed the Quartet's efforts and those of the Arab Peace Initiative. It has favoured the deployment of the European Union Police Mission for the occupied Palestinian territories and the establishment of a temporary international mechanism to facilitate the provision of economic and humanitarian aid, for which the Palestinian people have so much need. It also hails and supports the important work carried out by Mr. Tony Blair, the special envoy of the Quartet, to promote the economic development of Palestine, the maintenance of order and the efficiency of the institutions of the Palestinian Authority.

The Committee favours the creation of an independent, democratic and viable Palestinian State in the West Bank, including East Jerusalem, and in the Gaza Strip — a State that is to bring together all Palestinians. And, as to security, I remind the Assembly that the Committee firmly condemns any activities of one or another party to the conflict that would blindly target the civilian populations.

In a communiqué that was published last week, the Bureau of the Committee welcomed the results of the Annapolis international Conference and declared that the Conference marked a decisive stage in the negotiations on the permanent status destined to end Israeli occupation of Palestinian territory, including East Jerusalem, and to establish a viable Palestinian State within secure and recognized borders, living in peace and security side by side with Israel and its other neighbours in the region. We are pleased in particular by the commitment taken by all parties to work towards the attainment of this objective.

However, in spite of very well known positions which go back a long way, certain Member States abstain or refuse to support the Committee's mandate. I would like to invite the delegations concerned to reconsider their attitude and to vote, as they should, for the draft resolution concerning the Committee and the Division for Palestinian Rights. As members know, the Division helps the Committee fulfil its task by providing it with technical services and the necessary staff to carry out its mission.

The fourth draft resolution, entitled "Peaceful settlement of the question of Palestine" (A/62/L.21/Rev.1), aims to reaffirm the position of the General Assembly on the essential elements of a political settlement by evoking also the events of the past year. They welcome, in particular, the strengthening of international efforts aimed at resuming the peace process, including the initiative taken by the President of the United States of America to organize an international meeting in Annapolis, the reaffirmation of the Arab Peace Initiative and follow-up measures taken by the Arab States, as well as the activities carried out by the Quartet and its special representative.

The four draft resolutions that I have just presented enunciate positions, mandates and programmes that are of vital importance, especially at the current stage of development of the question of Palestine. I would thus ask the General Assembly to kindly adopt these draft resolutions and to support the important objectives contained in them.

The President: We shall now proceed to consider draft resolutions A/62/L.18, A/62/L.19, A/62/L.20/Rev.1 and A/62/L.21/Rev.1.

Before giving the floor to the representative of Panama, who wishes to speak in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): We are taking the floor to explain our vote with respect to draft resolution A/62/L.18, entitled "Committee on the Exercise of the Inalienable Rights of the Palestinian People". We also wish to make some comments on the Palestinian-Israeli conflict.

The Republic of Panama firmly believes in the rights of the Palestinian people to self-determination, independence and national sovereignty, rights that are indispensable to the solution to the question of Palestine. At the same time, we recognize the right of Israel to live in peace among its neighbours.

Panama supports all the efforts undertaken by the United Nations to obtain these objectives and its

special efforts made on this particular issue. We recognize that the United Nations has an ongoing responsibility on the question of Palestine and that this will continue until a satisfactory solution, in all its aspects, is found. This is why we have often voted in favour of draft resolutions introduced on this issue. Panama will continue to do so as long as they contribute to achieving those aspirations and will continue to support the role of the United Nations in its objective of establishing sustainable peace in the region.

We are concerned by the lack of efficiency in the General Assembly in resolving the Palestinian/Israeli conflict. We would like to point to the large number of resolutions that have been adopted by the United Nations on a broad range of issues, many of which have had very low impact on these matters. We all realize that the solution to the Palestinian/Israeli — as with any other important issue dealt with by the international community — does not lie in the number of the resolutions produced, but in the consensus we reach, so that concrete action can be undertaken to obtain the desired objectives.

On this occasion, Panama wishes to abstain in the voting on this draft resolution because we feel that with the current situation in the Middle East, and especially following the progress made in the negotiations among the concerned parties, the General Assembly should rethink its role in finding a resolution to the Palestinian/Israeli conflict. The Assembly created this Committee more than two decades ago and, since then, great efforts have been made by the United Nations and we feel that other initiatives already undertaken should be reinforced.

According to the Charter, one of the main functions of the General Assembly is to make recommendations to resolve peacefully any controversy. This is why we feel our debate in the plenary should aim at formulating proposals helping to resolve conflicts. In our opinion, under the present circumstances, the functions and the continuation of the Committee should be re-evaluated in this context.

The President: The Assembly will now take a decision of draft resolutions A/62/L.18, A/62/L.19, A/62/L.20/Rev.1, and A/62/L.21/Rev.1.

We turn first to A/62/L.18, entitled, "Committee on the Exercise of the Inalienable Rights of the Palestinian People". There are additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Albania, Andorra, Austria, Belgium, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia,

Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu

Draft resolution A/62/L.18 was adopted by 109 votes to 8, with 55 abstentions (resolution 62/80).

[Subsequently, the delegation of Bosnia and Herzegovina advised the Secretariat that it had intended to vote in favour, and the delegation of Hungary advised that it had intended to abstain.]

The President: We now turn to draft resolution A/62/L.19, entitled "Division for Palestinian Rights of the Secretariat". There are two additional sponsors, Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

Draft resolution A/62/L.19 was adopted by 110 votes to 8, with 54 abstentions (resolution 62/81).

[Subsequently, the delegation of Bosnia and Herzegovina advised the Secretariat that it had intended to vote in favour, and the delegation of Hungary advised that it had intended to abstain.]

The President: We now turn to draft resolution A/62/L.20/Rev.1 entitled, "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti,

Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Cameroon, Côte d'Ivoire, Malawi, Tonga, Vanuatu

Draft resolution A/62/L.20/Rev.1 was adopted by 161 votes to 8, with 5 abstentions (resolution 62/82).

[Subsequently, the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: The Assembly will now take a decision on draft resolution A/62/L.21/Rev.1, entitled, "Peaceful settlement of the question of Palestine". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Cameroon, Canada, Côte d'Ivoire, Tonga, Vanuatu

Draft resolution A/62/L.21/Rev.1 was adopted by 161 votes to 7, with 5 abstentions (resolution 62/83).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: The Assembly has thus concluded this stage of its consideration of agenda item 18.

Agenda item 17 (*continued*)

The situation in the Middle East

Draft resolutions (A/62/L.22 and A/62/L.23)

The President: Members will recall that the Assembly held the debate on this item at its 60th plenary meeting, on 30 November. We shall now proceed to consider draft resolutions A/62/L.22 and A/62/L.23.

We turn first to draft resolution A/62/L.22, entitled, "Jerusalem". There are two additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America

Abstaining:

Angola, Australia, Cameroon, Côte d'Ivoire, Fiji, Tonga, Vanuatu

Draft resolution A/62/L.22 was adopted by 160 votes to 6, with 7 abstentions (resolution 62/84).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to vote in favour.]

The President: Draft resolution A/62/L.23 is entitled "The Syrian Golan". There are two additional sponsors: Brunei Darussalam and Gambia. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cape

Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America

Abstaining:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bulgaria, Cameroon, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu

Draft resolution A/62/L.23 was adopted by 111 votes to 6, with 56 abstentions (resolution 62/85).

[Subsequently the delegations of Bosnia and Herzegovina and of Hungary advised the Secretariat that they had intended to abstain.]

The President: I shall now call on those representatives who wish to speak in explanation of vote on the resolutions just adopted. Before giving the floor to the speakers in explanation of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Lemos Godinho (Portugal): I have two explanations of vote, and I will read them subsequently.

I have the honour to speak on behalf of the European Union (EU). The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro and Serbia, as well as Ukraine, align themselves with this declaration.

The European Union has voted in favour of the draft resolution contained in A/62/L.20/Rev.1, on "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat". The European Union welcomes new elements introduced in the resolution this year. In the light of the ongoing peace process, we encourage the Department of Public Information (DPI) and the parties to reflect upon ways to improve the contribution of the programme to enhance dialogue and understanding between Palestinian and Israeli societies. The European Union stands ready to work with DPI and the parties towards the achievement of this goal.

I pass to the second explanation of vote, with the President's permission.

I would like to explain the vote by the countries of the European Union on the resolution on "The Syrian Golan" contained in A/62/L.23. The Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as the Ukraine and the Republic of Moldova, align themselves with this declaration.

The European Union remains concerned about the situation in the Middle East. In that context, the European Union stresses the crucial importance of the

Annapolis Conference and the renewed commitment to a two-State solution. We commend the efforts of President Mahmoud Abbas and Prime Minister Ehud Olmert and congratulate them on their decision to take the historic step of immediately launching final status negotiations on all core issues, as specified in previous arrangements. The European Union also welcomes the pledge made by the parties concerning reaching an agreement before the end of 2008.

The Annapolis Conference represented a turning point for regional and international parties to effectively support a just, lasting and comprehensive peace in the Middle East.

There can be no military solution to the Middle East conflict. A settlement of the situation in the Middle East, including on the Syrian and Lebanese tracks, must be based on Security Council resolution 242 (1967) — which emphasized the inadmissibility of the acquisition of territory by force and the need to work for a just and lasting peace in which every State in the region can live in security — and on the subsequent resolutions 338 (1973), 1397 (2002) and 1515 (2003). It must also be based on the Madrid terms of reference, in particular the principle of land for peace, as well as on the implementation of the Road Map and all existing agreements between the parties. We reiterate our intention, as a part of the Middle East Quartet, to continue working relentlessly with the regional parties towards that goal.

The European Union would like to reiterate that a final peace settlement will not be complete without taking account of the Israel-Syria and Israel-Lebanon aspects. Negotiations should resume as soon as possible with the aim of reaching an agreement. It should be recalled that, on 26 November, the European Union voted in favour of draft resolution A/C.4/62/L.18, on the Syrian Golan, in the Fourth Committee, which called upon Israel to desist from changing the demographic composition of the occupied Syrian Golan and, in particular, to desist from the establishment of settlements. We believe that resolution 62/85, on the Syrian Golan, under today's agenda item contains references that could undermine the process of bilateral negotiations. For that reason, as in previous years, the European Union abstained in the voting on the resolution.

Finally, in the spirit of rationalizing the work on the agenda of the General Assembly, the European Union would prefer to have only one resolution dealing with this issue before this body.

Mr. DeLaurentis (United States of America): The United States could not support resolution 62/85, entitled "The Syrian Golan", under agenda item 17. We continue to disagree with the text, which prejudices final-status issues that must be negotiated between the parties. Considering that members of the international community recently met in Annapolis to discuss the way forward towards Israeli-Palestinian peace and a comprehensive peace in the Middle East, this resolution is particularly unhelpful in that regard.

The United States policy on Syria is well known, and our position on this resolution remains unchanged from last year.

Mr. Salsabili (Islamic Republic of Iran): My delegation, along with the overwhelming majority of Member States, voted in favour of the resolutions just adopted on the question of Palestine, in order to reaffirm its solidarity and sympathy with the Palestinian people.

Our positions with regard to the question of Palestine are well known, and therefore we wish to place on record our reservations regarding certain paragraphs of the resolutions, which may not be in line with the stated positions and policies of my country.

As everyone is aware, the Islamic Republic of Iran has been unwavering in its full support for the Palestinian people in their endeavours to attain their national rights, dignity and aspirations, and has supported the legal and democratic Government of Palestine. In that context, the Islamic Republic of Iran is of the view that the issue of Palestinians' internal differences is a matter of a purely internal nature and should therefore be addressed by the Palestinians themselves. The references made to certain internal issues of Palestine in a number of these resolutions are not helpful and may be construed by many Palestinians as outside interference in their domestic affairs. As a consequence, they may further exacerbate the current dangerous situation. Indeed, internal issues of Palestine should be dealt with internally and through national dialogue and a process of national reconciliation.

The Islamic Republic of Iran continues to emphasize the inalienable rights of the Palestinian people, who have been suffering from the occupation and from brutal suppression for decades. We stress the

importance of the support of the international community for the Palestinians' struggle against that occupation and aggression.

The Islamic Republic of Iran believes that a settlement of the Palestinian issue can be achieved only if the inalienable rights of the people of occupied Palestine are fully and unconditionally realized. Regrettably, the past initiatives aimed at a settlement of the issue have not contributed to the solution of this long-standing crisis, owing to a lack of attention to the root causes of that crisis. The recent Conference seems to be meeting the same fate.

Mr. Gillerman (Israel): The Israeli delegation voted against draft resolutions A/62/L.18 to A/62/L.23, which all promote a single biased and inaccurate narrative of the situation in the Middle East and of the Israeli-Palestinian conflict. The ritualistic recycling of these outdated draft resolutions shows that the Assembly remains utterly oblivious to the bilateral nature of the peace process and the momentum witnessed at the Annapolis meeting less than two weeks ago.

In that regard, I wish to briefly highlight some obvious areas where these resolutions fail to promote a process of peace and to reflect the reality on the ground.

Draft resolution A/62/L.21, "Peaceful settlement of the question of Palestine", neglects to mention the greatest impediments to reaching a peaceful settlement, namely, terrorism, the suicide bombings and the daily barrage of Qassam rockets and mortar fire at Israeli towns and cities, in particular Sderot. Since June 2007, Palestinian terrorists have fired a rocket at Israel, on average, every three hours. A resolution calling for a peaceful settlement cannot ignore that glaring fact.

Nor can we ignore the fact that 19 months have passed since Gilad Shalit was kidnapped by Palestinian terrorists. While it is admirable that some Member States have called for his immediate release, this resolution wholly ignores those calls and is completely silent on his plight. An end to the Qassam rockets and the immediate release of Gilad Shalit are the basic criteria for the way forward. A resolution that fails to mention those fundamental issues can have no impact on the efforts to find a peaceful settlement to the conflict.

Similarly, despite attempts to find agreeable language on draft resolution A/62/L.20/Rev.1, entitled "Special information programme on the question of Palestine of the Department of Public Information of the Secretariat", it is regrettable that an amenable text could not be reached. Such a text would have enabled other delegations to lend their support and the Assembly to reach a consensus. Efforts were made to seek a balanced text that might be agreeable to both sides, representing the narrative of the conflict and its solution rather than only one side of the conflict. Such a text would have enabled Israeli officials to participate in activities and seminars of the Department of Public Information. But, again, instead of working together to bridge differences, the Palestinians chose a resolution that only widens those gaps.

In their predetermined, unrealistic, impractical and completely biased conclusions, these resolutions feed the Palestinians' addiction to the culture of victim hood and give them a fictitious sense of reality and a discourse of rights without responsibilities. Aside from the damage done to our region, they render the United Nations completely incapable of playing a role in addressing the conflict.

Israel feels that efforts, energy and resources could and should be diverted to more practical, relevant and realistic goals. In that respect, and directly connected to the texts being voted upon today, let me quote the words of former Secretary-General Kofi Annan, who said in a statement last year:

> "Some may feel satisfaction at repeatedly passing General Assembly resolutions or holding conferences that condemn Israel's behaviour. But one should also ask whether such steps bring any tangible relief or benefit to the Palestinians. There have been decades of resolutions. There has been a proliferation of special committees, sessions and Secretariat divisions and units." (*S/PV.5584, p. 4*)

Hope for the Palestinians cannot be found in General Assembly resolutions that insist on maximal and zero-sum solutions. Hope cannot be found in these very resolutions, not one of which even mentions the Hamas terrorists controlling the Gaza Strip and the vicious and devastating acts of violence and murder they have carried out and continue to carry out.

Hope cannot be found in political manoeuvring by Member States that choose to promote pieces of

paper instead of peace. Hope can be found, however, in the hearts and minds of the people and their leaders committed to peace. Hope for the Palestinians lives in the actions they must take on the ground to end the violence, terrorism and incitement. Hope lives in the road map and the insistence on both parties' abiding by their obligations and embracing their responsibilities.

The spirit of Annapolis, which launched and reaffirmed the bilateral process between Israel and the Palestinians, is alive and felt in our region. The moderate Arab and Muslim States that were present at Annapolis with the intention of supporting the process have created the proper atmosphere that provides momentum to begin substantive negotiations.

The bilateral process is the only way for Israel and the Palestinians to reach a peaceful settlement. The resolutions that this Assembly considered today are completely detached from that process. If anything, they show that this world body is not interested in supporting the bilateral process and, I dare say, even jeopardizes the potential for its success.

Mr. Argüello (Argentina) (*spoke in Spanish*): I should like to explain the voting of the delegations of Argentina and Brazil on resolution 62/85, adopted by the General Assembly a few moments ago.

Argentina and Brazil voted in favour of the resolution because we understand that its most important aspect concerns the unlawful nature of the acquisition of territory by force. Paragraph 4 of Article 2 of the United Nations Charter prohibits the threat or use of force against the territorial integrity of any State. That is an imperative norm of international law.

At the same time, I wish to clarify our delegations' position in connection with paragraph 6 of resolution 62/85. Our votes do not prejudge the content of that paragraph, in particular the reference to the line of 4 June 1967. On this occasion, on behalf of the Governments of the Argentine Republic and the Federal Republic of Brazil, I urge the authorities of Israel and Syria to resume negotiations to find a final solution to the issue of the Syrian Golan pursuant to Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace.

Ms. Gatehouse (Australia): Australia remains concerned about the disproportionate and duplicative allocation of Secretariat resources dedicated to Palestine, including the Division for Palestinian Rights and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The annual resolutions endorsing those work units do nothing to streamline or rationalize the Secretariat's structure or to make its work more balanced. Similarly, the Special Information Programme on the Question of Palestine of the Department of Public Information is not a constructive use of United Nations resources.

Australia considers that these resolutions make little contribution to the cause of peace in the Middle East.

The President: We have heard the last speaker in explanation of vote.

Mr. Lemos Godinho (Portugal): I have the honour to speak on behalf of the European Union.

The European Union stresses the necessity of a peaceful settlement of the question of Palestine. In that context, the European Union welcomes the joint understanding reached at the Annapolis conference between Prime Minister Olmert and President Abbas immediately to launch good faith bilateral negotiations in order to conclude a peace treaty before the end of 2008 that should lead to the establishment of an independent, democratic and viable Palestinian State in the West Bank and Gaza that will unite all Palestinians, living side by side in peace and security with Israel and its other neighbours.

In order to consolidate the progress achieved so far and fulfil the potential of the process, it is essential that the parties desist from any actions that threaten the viability of a comprehensive, just and lasting settlement, in conformity with international law. Progress in negotiations, enhanced cooperation on the ground and building Palestinian institutions should be concurrent and mutually reinforcing processes. In that regard, the European Union recalls the importance of the parties' implementing their road map obligations in parallel with their negotiations.

The European Union reiterates its concern about all forms of violence against Palestinians and Israelis alike. Stopping all acts of violence and terror is of the utmost importance to furthering the Middle East peace process. While recognizing Israel's legitimate right to self-defence, the European Union calls on Israel to exercise the utmost restraint and underlines that action should not be disproportionate or in contradiction with

international law. The European Union also reiterates that it strongly condemns the firing of rockets into Israel.

The European Union is determined to accompany the new momentum by supporting the parties in their negotiations in a sustained and active manner and working closely with the other members of the Quartet and partners in the region. The European Union stands ready to adapt and enhance its activities in such areas as security, law and order, institution-building, good governance, civil society contributions and support for the Palestinian economy in order to foster a new, substantive and credible peace process.

In that context, the European Union underlines the importance of the donors' conference due to take place in Paris, and encourages donors in that regard to increase their direct assistance to the Palestinian Authority, in accordance with its governance programme, in order to enable it to build a viable and prosperous Palestinian State.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): My delegation wishes to express its deep gratitude and appreciation to the General Assembly, which, as it has been doing since 1981, has again adopted resolutions on the Syrian Golan, on the question of Palestine and on the situation in the Middle East, and has done so by a vast majority of votes in favour of justice, rights and the law.

The fact that the international community is still supporting these resolutions reflects its continued support for the purposes and principles of the Charter of the United Nations. This buttresses our right to recover our lands occupied by Israel for more than 40 years, which is supported by a great Power and by a small number of other countries.

Without a doubt, the adoption of these resolutions sends out a clear international message to Israel: that occupation, murder, expansionist and aggressive policies, the building of settlements, the creation of a fait accompli and the annexation of the territories of others are practices rejected and condemned by the entire international community.

It is obvious that Israel needs to be reminded that the international community has rejected its provocative anti-peace policies. This is especially true since its Government has confiscated more Palestinian land in East Jerusalem, and has decided to build 300 new units for settlers there. This comes just two days after the Annapolis meeting.

The delegation of the Syrian Arab Republic wishes to reiterate its thanks to all countries that voted for draft resolution A/62/L.23, on the Syrian Golan. I reaffirm my country's appeal for a just and comprehensive peace and our insistence, more than ever before, that the Golan be liberated from Israeli occupation by all means available under international law. We urge the international community to help us achieve this objective in order to prevent war, through continuing pressure on the side that stands in the way of peace: Israel. Israel should be pressured to accept a just and comprehensive peace that would guarantee a prosperous future for the region and its peoples.

Israeli occupation of the Golan is a twofold crime under international law: it involves not only Israeli occupation of the Golan, but also Israel's illegal annexation of the Golan in 1981. That prompted the Security Council to adopt its resolution 497 (1981), which decided that the Israeli decision to annex the Golan was null and void, and without legal effect.

In spite of that clear-cut truth, we hear unfortunately from some colleagues flimsy justifications for their votes against the resolution, which are votes against international law. They justify their negative votes by claiming that certain paragraphs prejudge the results of final status negotiations between Syria and Israel, as if there really were negotiations between Israel and Syria, or as if we should reward the occupation by handing over part of our occupied territories and accepting a fait accompli — or as if those colleagues believe that negotiations mean that we should somehow abandon our rights at the negotiating table.

The bitter truth is that our people live under the yoke of Israeli occupation in the Golan. The international community, in accordance with the principles of the Charter, should condemn this occupation and this annexation, just as in 1939 the international community condemned Nazi Germany's annexation of the Sudetenland in Czechoslovakia and of Danzig in Poland. But ultimately, tolerating the Nazis' annexation of those two European areas led to a situation where the occupier expanded and occupied its neighbours. In our opinion and that of many delegations in this Hall, the Golan is no less important than the two areas I just mentioned. That is why the

international community must condemn Israel's occupation and annexation of the Golan so that Israel will not continue to violate international law and the rights of the States in the area that are trying to bring about a just and comprehensive peace.

The Annapolis meeting took place on 27 November 2007 to restart the Arab-Israel peace process. The Syrian Arab Republic participated in the meeting and in the discussions because of our desire to contribute to any international effort to bring about a just and comprehensive peace in the region on all tracks of the peace process. The majority of Conference participants reaffirmed the importance of bringing about a just and comprehensive peace in the region, and stressed that the peace process should involve all tracks, especially the pivotal issue of the occupied Syrian Golan. This process requires that Israeli occupation of Palestinian territories, including East Jerusalem, of the Syrian Golan and of the Lebanese Sheba'a farms be brought to an end.

Mr. Mansour (Palestine): Mr. President, allow me at the outset to thank all the countries that sponsored the draft resolutions that we have voted on today and to thank all the countries that voted in favour of those resolutions. In this connection, we again express our gratitude to the General Assembly for the fact that the number of votes in favour has increased in comparison to last year, on an average from four to eight votes.

Our reading of the international community and that of the General Assembly is that these votes are a confirmation of the international community's efforts. It has expressed the same sentiment in the General Assembly tonight as it had demonstrated in Annapolis. It has upheld international law by setting forth in five pages of a resolution entitled "Peaceful settlement of the question of Palestine" all of the details of what is required, in the view of the international community and under international law, for a just and comprehensive solution to this question.

That resolution is the narrative of the international community, a multilateral narrative of how peace based on justice could be accomplished, in spite of the insistent efforts of one delegation to disqualify the international community, in Annapolis and in the General Assembly, from playing a role. The 50 countries and organizations that participated in Annapolis and the 192 countries plus observers in this General Assembly refuse totally to be disqualified from playing a positive, constructive role in bringing peace and justice to the Middle East.

Thus, the assertion that bilateral negotiations between the two parties are the only way is a false assertion. If the assertion were true, then we need an explanation why this large number of countries, representing all countries in the General Assembly, participated in Annapolis.

I think it is high time for Israel to conclude from what we do every year — with all blocs, the European Union, the African countries, the Rio Group, the Arab Groups, the Non-Aligned Movement, the Organization of the Islamic Conference. We have worked with all groups in order to arrive at language that reflects the consensus of the international community for finding peace and helping the peace process.

Only one delegation keeps insisting, at the verbal level, on rejecting the consensus or the great majority position of the international community as we see it in the General Assembly. And more dangerously, Israel's action on the ground is in total contradiction to the spirit of peace. Otherwise, how can we explain the action of a country that only a few days ago, after the return of delegations from Annapolis and after the understanding that there will be a freeze on settlements, they continue with the construction of settlements in East Jerusalem? How can we explain the maintenance of hundreds of checkpoints in the West Bank? How can we explain the continuation of the suffocation of our people in the form of collective punishment in the total prison that is the Gaza Strip?

The actions of Israel speak much louder than all of their assertions that they are interested in peace. Those who are interested in moving the peace process forward have to change their behaviour. They have to act in such a way that contributes to an atmosphere conducive for moving the peace process forward.

They claim that we enjoy being victims. We totally reject this assertion. Our people are truly suffering from the occupation. They are suffering everywhere, with 11,000 prisoners, with what is happening to our people in Gaza, with the isolation of Jerusalem, with the continuation of settlements, with the construction of the illegal wall, and the list goes on and on.

This is the behaviour of the occupying Power, and if anyone thinks that living under such a brutal occupation means we enjoy being victims, I would say to them "Wake up and look at reality, really and properly".

There could be no greater pleasure for us than to do away with all these resolutions, if we saw our independent Palestinian State, after the termination of the occupation, established next to Israel in all of the land that they occupied in 1967, with East Jerusalem as our capital, with a just and agreed solution to the refugee question on the basis of resolution 194 (III) of 11 December 1948.

If that were to happen, we would not trouble any delegation to consider any more resolutions or spend any more time or spend any more money on all of these programmes that are advancing the cause of peace in the Middle East in the form of the programmes of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights of the Secretariat or the Department of Public Information unit. We are genuinely interested in peace and in putting an end to the occupation and the agony of our people, and in moving in the direction of development and constructing our own State.

The international community is trying, as always, to help in that endeavour and we hope that the Israelis will learn a lesson from this message from people who are not hostile to Israel but are interested in upholding international law and in helping the peace process to move forward.

We look forward during the year 2008 to concluding a peace treaty with the Israelis in order to put an end to the occupation and to allow our long-awaited Palestinian State to be born, so that the General Assembly can discuss, in the year 2008 or 2009, issues other than the many issues that we have debated in the General Assembly, in the Security Council and in other places on the question of Palestine.

Again, Mr. President, I want to conclude by wishing everyone happy holidays as we are about to finish the deliberations of this session.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 17.

Reports of the Second and Fifth Committees

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the two Committee reports that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the two Committees have been made clear in the Committees and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that when the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee.

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Second and Fifth Committees, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Committees, unless notified otherwise in advance. This means that, where separate or recorded votes were taken, we will do the same. I also hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the respective Committees.

Agenda item 54

Sustainable development

(d) Protection of global climate for present and future generations of mankind

Report of the Second Committee (A/62/419/Add.4)

The President: The Assembly has before it a draft resolution recommended by the Second Committee in paragraph 10 of its report.

Before proceeding further, I should like to inform members of a technical correction to operative paragraph 2 of the draft resolution. Towards the end of operative paragraph 2, the phrase "strongly urges" should read "strongly urge". The paragraph will therefore read,

> "Notes that States that have ratified the Kyoto Protocol to the United Nations Framework Convention on Climate Change welcome the entry into force of the Protocol on 16 February 2005 and strongly urge States that have not yet done so to ratify it in a timely manner".

We shall now take a decision on the draft resolution, entitled "Protection of global climate for present and future generations of mankind", as orally corrected. A separate vote has been requested on operative paragraph 11 of the draft resolution. Is there any objection to that request? There is none. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Japan, United States of America

Operative paragraph 11 of the draft resolution was retained by 162 votes to 2.

[Subsequently, the delegation of Canada advised the Secretariat that it had intended to vote in favour.]

The President: The Assembly will now take a decision on the draft resolution as a whole, as orally corrected. The Second Committee adopted the draft resolution. May I take it that the Assembly wishes to do the same?

The draft resolution as a whole, as orally corrected, was adopted (resolution 62/86).

The President: The Assembly has thus concluded this stage of its consideration of sub-item (d) of agenda item 54.

Agenda item 128

Proposed programme budget for the biennium 2008-2009

Report of the Fifth Committee (A/62/563)

The President: The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 7 of its report.

The Assembly will now take a decision on the draft resolution, entitled "Capital master plan". The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 62/87).

The President: The Assembly has thus concluded this stage of its consideration of agenda item 128.

Agenda item 77 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/62/66 and Add.1 and Add.2)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighth meeting (A/62/169)

Draft resolution (A/62/L.27)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/62/260)

Draft resolution (A/62/L.24)

Mr. Heller (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to begin by expressing its appreciation to the coordinators of the two draft resolutions, the United States and Brazil, for the efforts made and the results achieved. We also wish to thank the Division for Ocean Affairs and the Law of the Sea for preparing the relevant reports and, in particular, for launching various training programmes for developing countries.

The reports submitted to us by the Secretary-General indicate some progress in protecting the marine environment. Unfortunately, however, there are still signs of its degradation and of a lack of compliance by States with their obligations under the international law of the sea regime.

Mexico is convinced that cooperating and coordinating at all levels, establishing interdisciplinary and integrated approaches in the management of ocean affairs and recognizing the jurisdiction of the competent legal bodies with a view to the peaceful settlement of disputes will ensure the effectiveness of the international community's legal, political and technical tools, in particular the 1982 Convention on the Law of the Sea.

We welcomed the holding of the eighteenth meeting of States parties to the Convention, which devoted five days to the discussion of substantive issues of interest to States parties, particularly developing countries, independently of the elections to the International Tribunal of the Law of the Sea.

We wish in particular to highlight the work of the Commission on the Limits of the Continental Shelf and to reaffirm our commitment to help build its capacities so that it can deal with the significant increase in its workload. Therefore, we welcome the measures to that end set out in the omnibus draft resolution (A/62/L.27).

With regard to the Commission on the Limits of the Continental Shelf, I wish to take this opportunity to inform members that the Government of Mexico has completed the relevant study and will give a partial presentation to the Commission during the next few weeks.

Mexico also wishes to reiterate the importance of capacity-building in the preparation of trustworthy nautical maps guaranteeing the security of navigation to protect the marine environment, in particular, vulnerable marine ecosystems like coral reefs.

The protection of human rights for seafarers must be given special attention, given the frequent violations relating to procedural guarantees. For that reason, the anticipated rules in the Convention regarding the prompt release of vessels and its crew, sanctions for the contamination of the marine environment by foreign ships and laws governing the recognized rights of those accused, must be respected.

Concerning the maritime transportation of radioactive materials and the lack of proper protocols for determining responsibility and compensation in the event of accidents, while we recognize that some progress has been made in the framework of the International Atomic Energy Agency (IAEA), we share the Caribbean Community's (CARICOM) vision of the

need for more effective steps to deal with the concerns of the small island States and other coastal States. Finally, regarding freedom of navigation and the right of transit, we would re-emphasize the validity of the principles of the Convention.

Climate change is a phenomenon affecting the vast majority of human activities and our surrounding environment. It is very important then that we include in the omnibus draft resolution paragraphs on acidification of the oceans as a consequence of the emission of gasses into the atmosphere.

As regards conservation and sustainable use of marine biodiversity beyond national jurisdiction, we welcome the convening of the second meeting of the Ad Hoc Working Group. The trends identified by the Group, such as the central role to be played by the General Assembly in this area, and the fundamental role played by the Convention as the legal framework relating to the utilization and conservation of biodiversity beyond national jurisdiction — those are of maximum importance for future consideration.

Under the same heading, we would like to repeat our position that we need valid guarantees that the use of the genetic resources of international seabed must be carried out in a sustainable and equitable way. Accordingly, we recognize the fruitful contents of the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) as regards its technical and scientific aspects. We would like to state quite clearly however that that meeting taught us a lesson: we must pursue dialogue among all States, as a sine qua non, if we adopt actions, that might affect the common heritage of mankind. We are confident that in future meetings we will launch our efforts on that basis.

As regards the central issue of the Consultative Process, Mexico would like to reiterate its position that, although just one issue is chosen for the next meeting, that should be considered an exception and not the rule. The selection of themes should be based on the nature, complexity and scope of each item.

Turning now to the question of sustainable fishing, Mexico is fully committed to that subject, and we are abiding by all of the substantive provisions of the 1995 Agreement. This subject is of special importance to my country, and for that reason, we actively participate in the search for machinery that will make it possible for those rules to become universal.

One of the measures considered by the 2006 Review Conference identified as a goal the achievement of the universality of the Agreement through an exchange of ideas and a dialogue to consider the concerns of States non-parties. In that sense, Mexico would once again make an appeal to States to establish a dialogue serving not only to promote the greatest degree of ratification and accession to the Agreement, but also serving to promote cooperation through the enactment of national conservation and management measures, guaranteeing conservation and sustainable use of straddling and highly migratory fish stocks. We are closely following the results of informal consultations between the States party to the Agreement, which will be completed next year in New York.

Responsible international trade is an essential aspect of guaranteeing fisheries for sustainable development. A fundamental machinery guaranteeing this would be schemes of certification and co-ticketing, always respecting international law. There must be effective market access in a non-discriminatory manner, eliminating unnecessary or hidden barriers or trade distortions in conformity with the provisions contained in the Code of Conduct for Responsible Fisheries.

As regards the impact of fishing on vulnerable marine ecosystems, Mexico believes that it is necessary to continue to find instruments to implement measures already adopted and to make those effective. Notably, there were measures adopted in 2006 regarding dragnet fishing in marine environments. The implementation of certain measures must prevent irreversible damage to ecosystems to avoid losses causing harm from which the environment cannot recover. That principle must be applied to deep-sea dragnet fishing.

The variety of subjects dealt with in both draft resolutions is reliable proof of the strategic importance of ocean issues at the global level over the past few years. The continuing productivity of oceans depends on their sustainable use and depends on the international community's recognition that the problems of the oceans are interrelated and should be considered in an integrated way.

Mexico supports both draft resolutions and hopes that in the future that we will be able to continue working in a responsible and cooperative manner with all other members of the Organization, as we try to deal with the new challenges facing the international community in the area of the oceans.

Mr. Hannesson (Iceland): I would like at the outset to thank the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by the new Director, Mr. Václav Mikulka, for its comprehensive reports on oceans and the law of the sea and on sustainable fisheries. I would also like to acknowledge the professional manner in which the two coordinators, Ambassador Henrique Rodrigues Valle of Brazil and Ms. Holly Koehler of the United States, conducted the informal consultations on the draft resolutions before us, on oceans and the law of the sea and on sustainable fisheries. In fact, all the participants deserve credit for their good spirit and flexibility leading to an unusually prompt conclusion of the consultations this year.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention by Moldova, Morocco and Lesotho, bringing the total number of States Parties to 155, as well as signals of further ratifications in the near future. By ratifying and implementing the Convention, one of the greatest achievements in the history of the United Nations, the international community sustains and promotes a number of its most cherished goals. Every effort must be made to utilize existing instruments to the fullest before other options, including possible new implementation agreements under the Convention, are seriously considered.

The three institutions established under the Law of the Sea Convention are functioning well. The Commission on the Limits of the Continental Shelf is giving current consideration to a number of submissions that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. A number of coastal States, including mine, Iceland, have announced their intention to make submissions in the near future.

As the time limit for making submissions approaches, the workload of the Commission is anticipated to increase considerably due to an increasing number of submissions, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea. Iceland supports the decision of the seventeenth Meeting of State Parties to the Convention to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions.

We welcome, in particular, the endorsement of the General Assembly, in paragraph 46 of the draft resolution on oceans and the law of the sea (A/62/L.27), of the request by the Meeting of States Parties to the Secretary-General to take timely measures, before the twenty-first session of the Commission in March, to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and the subcommissions. In this context, we note with concern the information provided by the Division regarding the current level of staffing as well as inadequate hardware and software available to it which are required to support the Commission in the fulfilment of its functions.

Furthermore, we encourage States to make additional contributions to two voluntary trust funds in this field, that is, the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States and the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission.

Marine genetic resources are receiving more and more attention by the international community and they were the focus topic of the eighth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea last June. The panel discussions of that meeting were very informative and States made good progress in developing consensual elements relating to this complex issue, although a final agreement was not reached.

In this light, we note with satisfaction the consensual elements relating to marine genetic resources contained in paragraphs 132 to 136 of the oceans and the law of the sea draft resolution which are drawn from the eighth meeting of the Consultative

Process. These paragraphs, as well as the report of the Consultative Process meeting, will provide a useful basis for further consideration of this issue at the meeting next spring of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

We remain to be convinced of the need for a new international legal regime for marine genetic resources in areas beyond national jurisdiction. In our view, the Law of the Sea Convention provides a sufficient legal framework in this respect and offers, at the same time, a great amount of flexibility. Iceland is willing to engage in a constructive debate for the purpose of finding fair and equitable practical solutions regarding the exploitation of marine genetic resources in areas beyond national jurisdiction within the existing legal framework.

The United Nations Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for conservation and management of straddling fish stocks and highly migratory fish stocks by regional fisheries management organizations (RFMOs). The provisions of the Agreement not only strengthen in many ways the relevant provisions of the Law of the Sea Convention, but also represent an important development of international law in this area.

The effectiveness of the Agreement depends on its wide ratification and implementation. The Review Conference held last year provided an important momentum and we welcome the recent ratifications of the Agreement by Bulgaria, Latvia, Lithuania, the Czech Republic and Romania, bringing the number of States parties to 67. We look forward to the seventh round of Informal Consultations of States Parties to the Agreement, which has among its objectives the promotion of a wider participation in the Agreement. We note with satisfaction that many other States have announced their intention to ratify it in the near future.

Iceland has emphasized the role of the Food and Agriculture Organization of the United Nations (FAO) in the field of fisheries. As reflected in the draft sustainable fisheries resolution before us, the meeting of FAO's Committee on Fisheries, held in Rome last March, was very productive and prepared the ground for future work on many important issues. These include matters that the General Assembly has highlighted in recent years such as the protection of vulnerable marine ecosystems from destructive fishing practices, and the combating of illegal, unreported and unregulated (IUU) fishing.

With respect to the former issue, FAO's Committee on Fisheries decided, as requested in paragraph 89 of General Assembly resolution 61/105 on sustainable fisheries, to develop, through expert and technical consultations, technical guidelines for the management of deep-sea fisheries in the high seas. The guidelines will include standards and criteria for identifying vulnerable marine ecosystems in areas beyond national jurisdiction and the impacts of fishing on such ecosystems.

These standards and criteria will facilitate the adoption and implementation of conservation and management measures by States and RFMOs pursuant to paragraphs 83 and 86 of resolution 61/105. Iceland has made a financial contribution to this important work of the FAO. We note that the expert consultation has already taken place and encourage all relevant States to participate in the intergovernmental technical consultation which will be held in Rome in February.

The Committee on Fisheries meeting also took important decisions related to combating IUU fishing. First, it initiated a process to develop, through expert and technical consultations, a legally binding instrument on minimum standards for port State measures, as recommended in resolution 61/105. The expert consultation has already taken place and we encourage all relevant States to participate in the intergovernmental technical consultation which will be held in Rome in June.

Secondly, the meeting requested the FAO to consider the possibility, subject to the availability of funds, of an expert consultation to develop criteria for assessing the performance of flag States, as well as to examine possible actions against vessels flying the flags of States not meeting such criteria. In our view, this work is particularly relevant in strengthening and developing the legal basis for meaningful and effective measures against vessels engaged in IUU fishing on the high seas, where the flag State has failed to fulfil its obligations and take action. We are, in cooperation with other interested States, considering supporting this important initiative, including through preparatory work and funding, and note in this regard with

satisfaction paragraph 41 of the sustainable fisheries draft resolution (A/62/L.24).

There is growing concern over the adverse effects of global warming on the marine environment and marine biodiversity. Among other things, changing temperature and currents may affect the abundance of fish stocks in various ways, and there are indications that the migration patterns of some important fish stocks may be changing. In this context, we draw attention to paragraph 82 of the draft resolution entitled "Oceans and the law of the sea" (A/2/L.27), which

> "Encourages States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation."

Furthermore, we draw attention to paragraph 83 of the draft resolution, which

> "Calls upon States to enhance their efforts to reduce the emission of greenhouse gases, in accordance with the principles contained in the United Nations Framework Convention on Climate Change, in order to reduce and tackle projected adverse effects of climate change on the marine environment and marine biodiversity."

The impacts of climate change are hardly as clearly detectable in any place on our planet as in the Arctic, where huge quantities of sea ice and glaciers are already retreating. The sea ice in this area is retreating much more swiftly than scientists predicted, and now there is even speculation that the ice will disappear altogether. The retreat of ice and the warming of the seas will, together with advances in technology, offer new opportunities for navigation and exploitation of natural resources in the Arctic region. However, we must bear in mind that this region contains uncontaminated ecosystems with unique biological diversity, the conservation of which is vital. Care must be taken to ensure that the opening of new shipping routes and exploitation of natural resources will not endanger these sensitive ecosystems and to minimize detrimental effects on the marine environment.

Iceland places emphasis on good and close cooperation between States having an interest in the opening of shipping routes across the Arctic Ocean and the exploitation of natural resources in the region in the near future, based on rules of international law pertaining thereto, in particular the provisions of the Convention on the Law of the Sea.

Ms. Rodríguez de Ortiz (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela wishes to make a statement on agenda item 77 regarding the oceans and the law of the sea, in particular, sub-items (a) oceans and the law of the sea, and (b) sustainable fisheries.

My delegation attributes special importance to the subject of oceans and the law of the sea, which constitutes a priority issue due, among other things, to our geographical location and our concern over the environmental preservation of marine ecosystems. All of this must be done in keeping with international law.

The General Assembly, by adopting resolution 60/30, which followed up resolution 59/24, decided to convene in New York in February 2006 an informal open-ended working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction as a demonstration of the concern of the international community regarding the increasingly notable deterioration of the extensive marine ecosystems.

Recognizing the importance and scope of this issue, the Bolivarian Republic of Venezuela actively participated in the meetings, which were organized by the United Nations. In particular, we participated in the meetings of the working group, which emphasized that the Conference of the Parties to the Convention on Biological Diversity had been considering this subject since the adoption in 1995 of the Jakarta Mandate on Marine and Coastal Biodiversity. Following that, the States parties adopted in 2004 an expanded work programme, covering a period of 10 years, on marine and coastal biological diversity.

Also, at the eighth Conference of the Parties to the Convention on Biological Diversity in Curitiba, Brazil, in March 2006, the Conference recognized in decision VIII/24 the key role of the Convention in the work being moved forward by the United Nations. In addition, the sixty-first regular session of the General Assembly adopted resolution 61/222 on oceans and the

law of the sea, which explicitly contains a chapter on this subject reflecting the concerns of States that are not parties to the 1982 United Nations Convention on the Law of the Sea.

In this respect, due to the scope and importance of the subject, it should be stressed that Chapter X of resolution 61/222 is one of the most important chapters of the resolution. We take this opportunity to insist on the need to recognize the key and decisive role of the Convention on Biological Diversity in the work of the United Nations on this subject. That is why we are pleased that resolution 61/222 reflects it in an explicit manner.

In June 2007, the eighth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea was convened in New York, the central theme of which was marine genetic resources, in accordance with the agreement in resolution 61/222. During that meeting, there was a long debate on how we should reflect the various views regarding the relevant legal regime which should regulate marine genetic resources beyond areas of national jurisdiction. After extensive, difficult negotiations among the various delegations, we tried to reach a consensus reflecting at least a basic agreement on how to deal with marine genetic resources within the framework of the General Assembly. The meeting came to an end without defining agreed elements.

Thus, it was agreed that we should clear up this lack of consensus through future discussions during the current Assembly session, in particular, and with a clear mandate to do so in the Informal Working Group that will meet in April and May 2008. During the recently concluded negotiations on the draft resolutions on oceans and the law of the sea, we reiterate the need to reflect in the text that any future negotiations in this universal framework should take into account the Convention on Biological Diversity. Next year, the Conference of the Parties to the Convention will take place, and at that time there will be additional input for the benefit of the working group. For that reason we reiterate our conviction that the Convention on Biological Diversity should play a key role, as it is an instrument that provides necessary input to the General Assembly and sets out the legal framework that should govern the work to be done in the future.

Accordingly, we will reiterate — as we did in the ad hoc open-ended informal working group in February 2006, in the Open-ended Informal Consultative Process meetings in June 2007, in the previous session of the General Assembly and in informal consultations on the draft resolution on oceans and the law of the sea — that there remain good reasons why Venezuela has not become a State party to the United Nations Convention on the Law of the Sea (UNCLOS) of 1982.

Mr. Hannesson (Iceland), Vice-President, took the Chair.

The report of the Secretary-General (A/62/169), contains the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its eighth meeting. The report notes in paragraph 33 that all mankind should be able to benefit from the long- and short-term benefits associated with the discovery of marine genetic resources. That is precisely why our delegation insists on the need for a legal regime that will make it possible for States not party to the United Nations Convention on the Law of the Sea to benefit. In that connection we ask — which instrument provides the legal framework to govern all actions on this issue? Our answer to that question is that the framework should be as broad as possible in order to make it possible for the group of States not party to the Convention to become parties to the Convention.

Many delegations here have emphasized the key role of the Convention on Biological Diversity in the work being done. In addition, the Convention on the Law of the Sea does not contain any provisions expressly governing that area. For that reason, Venezuela shares in the support expressed for paragraphs 44, 52 and 53 of the report. Those paragraphs, inter alia, state that in view of the broad experience gained under the Convention on Biological Diversity in this area, it should be considered the framework instrument governing the conservation and utilization of biological diversity in all its aspects. This document, thus, plays a key role in the work being done by the United Nations.

There have been many references in past reports of the Secretary-General noting that the Convention on Biological Diversity is very relevant to the problem of marine genetic resources beyond national jurisdiction. Here I refer to paragraphs 176 to 225 of document A/60/63/Add.1 and to paragraphs 188 to 233 of document A/62/66.

Above and beyond this international context, Venezuela has, within the national framework, reflected international law in its national legislation, including, inter alia, an organic law on aquatic and insular spaces, a law on fishing and fish farming and a legal decree on coastal areas. In that vein, the delegation of the Bolivarian Republic of Venezuela wishes to emphasize that the question of sustainable fishing is a priority area for our country. We have undertaken major initiatives to promote and implement programmes aimed at conserving, protecting and managing hydro-biological resources, within the framework of developing national legislation. In particular, the law on fishing and fish farming promotes the responsible, rational and sustainable development of those resources.

In connection with illegal, unreported and unregulated fishing, Venezuela has taken the necessary action to deal with that situation through regular reports, submitted to the regional fisheries management organizations of which we are a member, on the location and legal status of ships flying the Venezuelan flag on the high seas. Venezuelan legislation will require satellite positioning equipment for fishing ships greater than ten gross tons. We would also note the on-board observer programme that monitors — within the framework of the Inter-American Tropical Tuna Commission — the fishing of tropical tuna and its effect on dolphins, including illegal fishing, in the Eastern Pacific Ocean.

Another important aspect of Venezuelan legislation that we wish to stress involves the regulation of trawling, and here we have established a sanctions regime where there is a failure to abide by standards of conservation and resource management.

Internationally, Venezuela has implemented the principles of the Code of Conduct for Responsible Fisheries and Chapter 17 of Agenda 21 adopted at the 1992 United Nations Conference on Environment and Development. We have also participated actively in regional fisheries management organizations such as the Committee on Fisheries of the FAO and its subsidiary bodies, the Western Central Atlantic Fishery Commission, the Latin American Fisheries Development Organization, the Commission for Inland Fisheries of Latin America and the Caribbean and we have participated in the Inter-American Tropical Tuna Commission.

We are a contracting party to a number of international instruments, including the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and its Protocol concerning Specially Protected Areas and Wildlife. We are a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and to the Convention on Biological Diversity.

It is important to point out again that the Bolivarian Republic of Venezuela is not a party to the United Nations Convention on the Law of the Sea, nor are we a party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, nor are the international common law provisions of those international instruments applicable, except for those that the Bolivarian Republic of Venezuela has expressly recognized or will recognize in the future by incorporating them in internal legislation. The reasons that have prevented us from acceding to those instruments continue to exist.

In conclusion, we wish to take this opportunity to express our profound appreciation to the Federative Republic of Brazil for the splendid job that delegation has done as coordinator of the Informal Consultations on the subject. In particular, our thanks go to Ambassador Henrique Valle. At the same time we wish to thank all of those delegations that participated in the negotiations carried out during the Consultations for the understanding they showed towards the views submitted by my delegation. All of that is further proof of the fact that through negotiation and good will and through an understanding of various positions we can reach a final agreement.

The draft resolution on oceans and the law of the sea is palpable proof of what can be accomplished in the future at the United Nations, of the solidity of the foundations of our work, and of the validity of our international house — the United Nations — as the universal forum par excellence for multilateral negotiations.

Mr. Menon (Singapore): I have the honour to speak on agenda item 77 (a), "Oceans and the law of the sea". Singapore is an island nation with significant maritime interests. A large part of our environment

consists of marine and coastal areas. Our economy depends heavily on international shipping and trade. Singapore sees the United Nations Convention on the Law of the Sea as the principal framework for dealing with all issues relating to maritime rights and obligations. New and sometimes challenging issues have come up since the Convention was adopted, but the Convention continues to retain its relevance and pre-eminence.

The annual informal consultations on the omnibus draft resolution serve as a forum for Member States to come together and discuss key developments on oceans issues over the past year. This year was no different. The one departure from previous years, however, is that the informal consultations actually ended on time. I understand from many participants that this was a much welcome break from tradition. In this regard, we would like to congratulate Ambassador Henrique Valle of Brazil on his able leadership in coordinating draft resolution A/62/L.27. Singapore looks forward to the adoption of the omnibus draft resolution by the Assembly.

Last year, my delegation spoke about the worrying trend by some coastal States to tilt the balance of the Convention in favour of the environment. For example, we noted that Australia had imposed a system of compulsory pilotage in the Torres Strait. This is a strait used for international navigation that lies between Australia and Papua New Guinea. Australia explained that such measures are necessary to protect the sensitive marine environment of the Torres Strait and that these measures facilitate safe passage through those narrow and treacherous waters.

Singapore fully supports efforts to protect the marine and coastal environment and to ensure safety of navigation. But such measures must not contravene the carefully negotiated package enshrined under the Convention. Under the Convention, ships and aircraft transiting such straits enjoy the special regime of transit passage. A State bordering such straits must adopt a limited set of laws and regulations relating to transit passage through the straits. The laws and regulations that may be adopted are specifically laid out in article 42 of the Convention.

Other delegations reinforced this point in their statements in the Assembly last year. They have continued to do so this year. The message is that we need to respect the integrity and provisions of the Convention. We cannot pick and choose to comply with parts of the Convention that we like and ignore others that we do not. Neither can we misuse certain provisions in an attempt to justify measures that are inconsistent with the Convention. The Convention must be read as a whole, and it must be fully complied with.

Unfortunately, Australia continues to operate the compulsory pilotage system in the Torres Strait. This requirement of taking a pilot on board is imposed on all ships transiting the Strait. It is not just a condition of entry for Australian ports. In Singapore's view, this goes beyond what is permitted by article 42 of the Convention. The requirement to take a pilot on board, which Australia will enforce using its criminal laws, seriously undermines the right of transit passage which all States enjoy under the Convention.

Australia continues to argue that the compulsory pilotage system is consistent with the Convention because the Convention does not explicitly prohibit it as a means of enhancing navigational safety. Australia also continues to claim that the compulsory pilotage system has the approval of the International Maritime Organization (IMO). Both of those claims are untrue.

First, Singapore has consistently pointed out that Australia's actions threaten the delicate balance in the Convention between the interests of coastal States and the interests of user States in straits used for international navigation. Singapore fully supports efforts to protect the marine and coastal environment. But such measures must not contravene the Convention.

Secondly, Singapore has also explained that the IMO resolution cited by Australia as the basis of approval by that body was recommendatory in nature. The IMO resolution, therefore, does not provide any legal authority to impose compulsory pilotage in the Torres Strait or any other strait used for international navigation. This view was shared by a vast majority of countries that attended the recent IMO Assembly in London. Of those countries, 31 reaffirmed the recommendatory nature of that resolution. Only three spoke in opposition.

Singapore continues to take a very serious view of Australia's compulsory pilotage system, which we see as a contravention of the Convention. We have made these points clearly to Australia. Since the Assembly's consideration of this agenda item last year,

Singapore has met with Australia to discuss how to resolve our differences on the legality of the compulsory pilotage system. There has been no resolution so far. Singapore enjoys good bilateral relations with Australia. We will continue to work with Australia to try to resolve this issue amicably. We are also open to exploring other options where this issue can be given serious and appropriate consideration.

Let me be clear that this is not just an issue between Singapore and Australia. All of us who are concerned with protecting the sanctity of the Convention, particularly its provisions on navigational rights, have a stake in this issue. We have to point out that Australia's actions have broader implications for the integrity of the Convention. This is not just about what happens in the Torres Strait. If the international community allows this implementation of compulsory pilotage to go uncensured, this could potentially lead to an erosion of the right of transit passage in international straits, as well as navigational rights in other maritime zones enshrined by the Convention. This would have a serious impact on strategic, shipping, economic and energy interests all over the world.

I would like to reiterate Singapore's continued support and commitment to the promotion of maritime safety and security. We are happy that the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (RECAAP) continues to make progress. RECAAP was formally recognized as an international organization on 30 January 2007. The RECAAP Information Sharing Centre, which Singapore is pleased to host, became fully operational within seven months of its official launch in November 2006. That took place ahead of schedule. We believe that the RECAAP Information Sharing Centre can play a unique role in the international effort against piracy and armed robbery, through operational linkages and working relationships with all relevant stakeholders, including the IMO. We are, therefore, pleased to welcome the decision taken at the twenty-fourth IMO Extraordinary Session last month to approve the formal Agreement of Cooperation between the IMO and the RECAAP Information Sharing Centre. This will enable both parties to benefit mutually from information exchange and coordination on matters of common interest.

At the recent IMO meeting held in Singapore in September 2007, a landmark decision was taken to adopt a Cooperative Mechanism that would provide a framework for littoral States and user States to work together for the safety of navigation and environmental protection in the Straits of Malacca and Singapore. Owing to the initiative of the IMO and the cooperative attitudes of the three littoral States of Indonesia, Malaysia and Singapore, the user States and the shipping industry, we have finally been able to implement article 43 of the Convention. This will ensure that ships passing through the Straits of Malacca and Singapore are accorded the right of transit passage as provided for under international law, while respecting the sovereignty of the littoral States.

Finally, as part of our efforts to promote and encourage adherence to the Convention, the S. Rajaratnam School of International Studies at the Nanyang Technological University of Singapore, together with the Center for Oceans Law and Policy at the University of Virginia School of Law, will be organizing a conference entitled "Freedoms of the seas, passage rights and the 1982 Law of the Sea Convention" from 9 to 11 January 2008. The conference will be held in Singapore. We hope that the conference will help create greater awareness about the freedoms, rights and jurisdiction accorded to States under international law.

Mr. Bowoleksono (Indonesia): Let me begin by thanking the Secretary-General for his comprehensive report entitled "Oceans and the law of the sea", contained in document A/62/66 and its two addenda. Our appreciation also goes to the Division for Ocean Affairs and the Law of the Sea and the Secretariat for their commitment to this subject matter.

Twenty-five years ago today, the United Nations Convention on the Law of the Sea (UNCLOS) was opened for signature at Montego Bay, Jamaica, following its adoption after nine years of marathon negotiations. Remarkably, 119 countries signed the Convention on the very first day. It is also noteworthy that, since then, the Convention has received very broad support from the international community, as reflected in its current 155 States parties. Indeed, that is a reflection of the universality of the Convention as the constitution of the oceans, to govern every aspect of the use and resources of the seas and any activities relating to the ocean space.

Despite that, it is obvious that much remains to be done to effect the implementation of the

Convention. Among other things, States need to strengthen their cooperation, if they are truly to promote the use of marine resources in a responsible and mutually beneficial manner. Of particular relevance in that connection is the protection and preservation of the marine ecosystem from pollution and physical degradation. The increasing use and the exploitation of marine resources — side by side, of course, with the advancement of technology — pose a big challenge for us in the preservation of the marine ecosystem.

Moreover, the marine environment and marine biodiversity have been affected adversely by global warming. The warming of the climate system is unequivocal, as has been revealed in the findings of the Intergovernmental Panel on Climate Change. The widespread melting of polar regions, which causes a rise in average global sea levels, has affected us in many ways.

As an archipelagic country, the increase in temperature is evident in Indonesia, as it affects coastal livelihoods and the marine biodiversity of our waters. What is worse is that, according to certain projections, if that pattern continues and sea levels continue to rise, as many as 2,000 Indonesian islands could be lost completely in just two decades. We are not alone. Many island nations have also expressed alarm that rising sea levels could similarly eliminate them from the map.

As glaciers retreat, water supplies are also being put at risk. Changing weather patterns also threaten to exacerbate desertification, drought and food insecurity for populations living in dry lands, especially those in Africa. No nation or peoples should have to pay that kind of price. The international community therefore has the common but differentiated responsibility to act in concert in order to mitigate the challenge of global warming by, inter alia, mapping out concrete action to tackle climate change after 2012, when the first commitment period under the Kyoto Protocol ends.

We hope that by the time the United Nations Climate Change Conference at Bali wraps up this week, a major step will have been taken to avert those horrifying projections. As such, the Bali Conference should agree on the establishment of a future framework for a post-2012 agreement that includes mitigation, adaptation, technology, investment and financing.

A similar challenge faces us in promoting the responsible harvesting of living marine resources on the high seas. Advances in technology have led to a serious depletion of the world's fisheries and contributed to the degradation of the marine ecosystem. We certainly have the obligation to avoid a "tragedy of the commons" due to over-exploitation of the common resources in the high seas. States can promote the long-term sustainable protection of shared fish stocks through domestic legislation and cooperation with other countries, including regional fisheries management organizations.

For our part, Indonesia, in partnership with Australia, co-hosted a regional ministerial meeting in May this year on promoting responsible fishing practices. That important event was attended by high-level representatives of the countries of the region dealing with this issue, as well as representatives of the United Nations Food and Agriculture Organization. While affirming the important contribution of shared fish stocks in the region as a source of food, we decided to take collective action to enhance the overall level of conservation and management of the fishery resources in the South China Sea, the Sulu-Sulawesi Seas and the Arafura-Timor Seas. To meet that objective, countries of the region adopted a regional plan of action.

While providing a legal framework for all ocean-related activities, we should not lose sight of some issues that have not adequately been addressed by the Convention. Two conditions have contributed to that situation. The first relates to technological advances since agreement was reached on the Convention. Progress in technology reveals new ways to take advantage of ocean resources that were previously unanticipated. The second is the comprehensive nature of the Convention to cover 25 subjects and issues related to practically every aspect of the use of the sea. The Convention might therefore only provide a general legal framework on certain issues.

The ongoing discussion on the issue of a legal regime covering marine genetic resources beyond areas of national jurisdiction mirrors our undertaking to further clarify the Convention. The different views expressed in the last session of the Informal Consultative Process clearly reflected the challenge we are facing in the implementation of the legal regime on the matter deriving from the Convention.

While acknowledging that further discussion is needed for the purposes of clarification, my delegation wishes to underscore the importance of ensuring the integrity of the Convention.

In a separate development, my delegation welcomes the recent adoption at Nairobi of the International Convention on the Removal of Wrecks. That comes as a very critical moment, as it clarifies the rights and obligations of States on the identification, reporting, locating and removal of hazardous wrecks, in particular those found beyond territorial waters, and the financial security arrangements to cover liability for the costs of removing such wrecks. The adoption of the Wreck Removal Convention will secure the ability and authority of States to have removed from waters beyond their territorial seas wrecks that may pose a hazard to navigation and a threat to the safety of navigation and the maritime environment. While ship owners and their insurance companies share the obligation to remove such wrecks, my delegation is of the view that flag States should play a pivotal role and take appropriate measures to ensure the compliance of ships flying their flags or of their registry in line with their international liability.

Finally, let me touch briefly on the issue of the safety of navigation and maritime security. We certainly will have the benefit of extensive discussions on that matter during next year's meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The reports before us note the growing awareness worldwide of the challenges to maritime security and the necessity for international cooperation in order to prevent and combat the threats to it. That is a matter of great importance to us in Indonesia — and one that is being tackled seriously at the domestic level. In addition, we have also enhanced cooperation with the countries of the region and other stakeholders through, inter alia, best practices, joint patrols and information-sharing.

We are pleased to note the decrease between 2005 and 2006 in the number of acts of piracy and armed robbery against ships reported to the International Maritime Organization for the Asian region, including armed robbery in the Straits of Malacca and Singapore. That positive trend continues to prevail this year. However, we should avoid the temptation of complacency in considering that commendable development. We must continue to enhance cooperation at various levels.

In that regard, Indonesia continues to be determined, together with other littoral States in the Straits of Malacca and Singapore, to ensure the safety and security of navigation in the area. We believe that the recent establishment of the Cooperative Mechanism of the Tripartite Technical Experts Group by the three littoral countries is a strong step in that direction.

Mr. Sivagurunathan (Malaysia): My delegation is pleased to participate on the debate on sub-item (a) of agenda item 77, entitled "Oceans and the law of the sea", and would like to express our gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea, as contained in documents A/62/66 and addenda 1 and 2.

Today marks an important milestone in the history of the United Nations Convention on the Law of the Sea. Twenty-five years ago, we concluded the discussions on the Convention at Montego Bay, Jamaica. It was the culmination of more than 14 years of work. The Convention was a feat that is unmatched to this day, with a record 119 delegations signing it on the very first day it was open for signature. That was an unprecedented event, and it has never been matched by the opening for signature of any other treaty. For the first time, a set of rules for the oceans was established, bringing order to a system fraught with potential conflict.

The Convention, often referred to as the constitution of the seas, is based on an all-important idea — that the problems of the oceans are closely interrelated and must be addressed as a whole. Thus, it is not possible for a State to choose what it likes and to disregard what it does not like; rights and obligations go hand in hand. It is not permissible to claim rights under the Convention without being willing to shoulder the corresponding obligations.

Malaysia has been actively involved in most of the discussions on issues relating to oceans and the law of the sea in the United Nations as well as in related bodies. As a maritime and coastal State in one of the busiest straits in the world, the Strait of Malacca, Malaysia takes particular interest in the legal regime governing the oceans and seas. The Convention is born of a marriage, or compromise, between prophecy and retrospection. Looking at it as a compromise reveals its weakness, but looking at it as a marriage gives rise to encouragement and hope for the future. The

Convention has produced many innovative concepts and principles that are dear to its States parties.

Malaysia welcomes the progress made in the work of the three bodies established by the Convention, namely, the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. We welcome the continued focus of the work of the International Seabed Authority on scientific and technical efforts to carry out its functions under the Convention and the Agreement relating to the implementation of Part XI of the Convention and, in particular, to promote a better understanding of the potential environmental impact of deep-seabed mining.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It continues to play an important role in the settlement of disputes between States parties. It has decided on a number of cases involving a wide variety of issues, such as freedom of navigation and other internationally lawful uses of the sea, the enforcement of customs laws, the refuelling of vessels at sea, the right of hot pursuit, the conservation and sustainable use of fish stocks and provisional measures and matters involving land reclamation. The Tribunal enjoys an excellent reputation by virtue of its fairness and integrity. Malaysia values the important role that the Tribunal is playing, and we continue to support its work in that regard.

Malaysia commends the valuable work undertaken by the Commission on the Limits of the Continental Shelf. We note that the deadline is fast approaching for the submission by coastal States parties of their continental-shelf claims. When the Commission was established, it was estimated that there would be only 33 submissions, whereas now it is estimated that there will be at least 65 projected submissions before the 13 May 2009 deadline. That clearly shows that the Commission's workload is going to increase. At the 17th meeting of States parties, held in June this year, there was a lengthy discussion on the issue of the Commission's workload, focusing on how to improve and support the work of the Commission. It was agreed that the Division for Ocean Affairs and the Law of the Sea, which acts as the Commission's secretariat, should be strengthened, not only in terms of human resources, but also in terms of adequate equipment and computer software.

We have been briefed by the Chairman of the Commission and the Director of the Division as to the urgency of this request, which is aimed at enabling the Commission to do its work at next year's session. With the proper resources, the Division would be in a position to do the groundwork before the Subcommission considers the submissions. We welcome the spirit of flexibility and understanding shown by delegations in accepting the fact that that will entail extrabudgetary resources during our negotiations on the omnibus draft resolution. We hope that the same delegations will approve that request when it is considered by the Fifth Committee.

In conclusion, my delegation wishes to express its appreciation to the coordinators of the two draft resolutions under this agenda item, Ambassador Henrique Valle of Brazil and Ms. Holly Koehler of the United States, and to the delegations that made valuable contributions during the consultation process. Those delicately balanced draft resolutions are the fruit of two months of our labour, and it is our sincere hope that all Member States will support them in the spirit of cooperation.

Mr. McNee (Canada): Canada is a coastal State bordering three oceans. It has the longest coastline in the world and is home to many coastal communities whose livelihoods are linked to domestic and international fisheries and other uses of the ocean. Consequently, Canada has a strong interest in ensuring the sustainable use of ocean resources and in reducing the risks of ocean degradation.

Canada is therefore pleased to be a sponsor of the draft resolutions on sustainable fisheries (A/62/L.24) and on the law of the sea (A/62/L.27). We are grateful for the spirit of cooperation and flexibility shown by all delegations during the consultations, under the able leadership of Ms. Holly Koehler of the United States of America and Ambassador Henrique Rodrigues Valle and Mr. Carlos Perez of Brazil.

Canada also appreciates the work of the Division for Ocean Affairs and the Law of the Sea in supporting those discussions. The Division's officials have provided key assistance to Canada in co-chairing the Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

Improved fisheries and oceans governance is an issue of great importance to Canada and an increasingly urgent theme in this debate in recent years. Canada is pleased with the progress achieved this year in improving international fisheries management, especially in the efforts to reform the regional fisheries management organizations (RFMOs), the actions against illegal, unreported and unregulated (IUU) fishing and the international efforts to support better ecosystem protection. The fact that Member States have undertaken many new commitments and are moving forward in the implementation of existing ones can be seen in the two draft resolutions that we are discussing today.

However, while we have undertaken new commitments and the beginnings of reform, the real issue will be whether they are acted upon, determinedly and collectively, in order to have a measurable impact on fisheries resources, including their recovery, and on the health of the oceans.

The world is watching not just our words, but also our actions. IUU fishing is a high-profile economic activity that occurs where its benefits exceed its risks. Solutions aimed at removing its underlying incentives are complex. Such fishing is every State's problem, and its eradication requires international cooperation. It requires action by flag States, through improved vessel surveillance and control and penalties for non-compliance, but also by port States that allow fisheries products to be landed and by market States that allow such products to enter markets.

Through the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO), we have launched discussions on a binding instrument on minimum port-State measures, as well as on the development of flag-State performance criteria. In the words of the Ministerial High Seas Task Force, we are "closing the net" on IUU fishing, at least in terms of legal instruments. Acting on those commitments will take intense international cooperation from all, if they are to play their role in actual fisheries sustainability and recovery.

IUU fishing is not the only problem that confronts international fisheries management. Institutionalized over-fishing is too often overlooked in the zeal to end IUU fishing but may be as, or more, important to address. Canada is pleased with the increasing international momentum on the reform of RFMOs. The commitment to reform must now translate into implementation of modern management principles and practical measures. The credibility of RFMOs as the primary vehicles for high-seas fisheries governance is at stake.

Canada is especially pleased by the recent adoption of amendments to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries of the Northwest Atlantic Fisheries Organization (NAFO). Those amendments incorporate principles of the United Nations Fish Stocks Agreement and improve NAFO's decision-making process. However, the effectiveness of NAFO, like other RFMOs, will be judged on whether it is able to result in sustained improvements in fishing behaviour and improvements in the status of the stocks it manages and the protection of their ecosystems.

Canada looks forward to future work in NAFO, in early 2008, on further actions to strengthen the protection of vulnerable marine ecosystems in the NAFO regulatory area, in the light of the new international standard set in the 2006 sustainable fisheries resolution. Implementing that standard is a collective challenge that must be responded to with determination. Canada is fully committed to doing so. NAFO responded to that challenge by closing commercial fishing on four seamount areas and by establishing a coral protection zone.

In early 2007, members of tuna RFMOs and their secretariats and other parties met jointly in Kobe, Japan, to discuss common challenges in global tuna management, which is the subject of intense international scrutiny and concern. Tuna RFMOs and their membership must prove able to effectively manage stocks for which they are responsible. Otherwise, the reputation of all RFMOs as a credible foundation of resource management could be jeopardized. In the light of commitments made in Kobe, Canada is disappointed that more definitive action has not been taken, as the opportunity has arisen, to take stronger conservation measures to protect tuna.

Another high-profile issue addressed in the sustainable fisheries draft resolution is the call on States, including through RFMOs, to do more to implement fully the FAO International Plan of Action for the Conservation and Management of Sharks. Canada introduced its national plan of action on sharks

in March of this year. As the United Nations body responsible for global fisheries issues, it is appropriate that the FAO itself report in 2009 on actions being taken to improve shark management and protection. With that deadline in mind, States and RFMOs will need to take stronger action aimed at the conservation and management of sharks.

For Canada, the United Nations Fish Stocks Agreement is the foundation for strong management of straddling fish stocks, highly migratory fish stocks and, potentially, discrete fish stocks. Canada therefore strongly supports the convening of the seventh informal consultations of States parties to the Agreement, where we expect discussion to focus substantively on means to strengthen the Agreement's implementation and on how to encourage increasing participation in that key instrument. We welcome the States that have become parties to the Agreement in 2007 — namely, Latvia, Lithuania, the Czech Republic and Romania — thereby bringing the total number of parties to 67. We hope to welcome additional States in 2008.

(*spoke in French*)

Canada believes that the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea is of great value, given the opportunities it provides to States to learn first-hand from experts on issues. That is especially the case as regards emerging issues, where a strong foundation of shared understanding facilitates international debate. For example, the discussions regarding marine genetic resources during the seventh meeting of the Informal Consultative Process were quite fruitful, especially as they made it possible for everyone to better understand those resources. Those discussions will also be of value in numerous international forums, and it is essential that all interested States be able to take part.

The Informal Consultative Process Trust Fund, which must necessarily be replenished, must be able to continue to facilitate the participation of developing countries in the Process. Canada will make a contribution to the Trust Fund before June 2008 and hopes that other developed countries will do the same.

Of all the discussions that have taken place in numerous forums recently, the debate on climate change and oceans has been the most visible in the media. There is a host of concerns associated with that issue, including, as pointed out by the draft resolution, ocean acidification, which could have far-reaching effects on the ecosystem. Given the role of oceans in global cycles and the impacts and adaptation that will need to be understood and planned for collectively, Member States can help to address those issues by focusing more on the importance of oceans at both the national and international levels.

In conclusion, although emerging issues such as these can figure prominently among our priorities, we must not forget that the United Nations Convention on the Law of the Sea continues to be the legal framework governing all activities in oceans. Nor should we forget that the functioning of the institutions emanating from it are important to Canada. In that context, Canada agrees that the Commission on the Limits of the Continental Shelf must have sufficient resources to play the very important role entrusted to it, namely, to make recommendations to States on the establishment of the outer limits of their continental shelves, in accordance with the Convention on the Law of the Sea.

The themes and commitments contained in the draft resolutions before us represent our ambitions with regard to our role as responsible stewards of fisheries and oceans on behalf of those who rely upon them. If we want to translate our words into deeds and achieve tangible results vis-à-vis the health of oceans and marine life, we must be resolutely committed to cooperate on the national, regional and international levels. That is what world public opinion and future generations will judge our actions against; and that must also be the benchmark for judging our success.

The Acting President: I have received requests from the Observers of the International Tribunal for the Law of the Sea and the International Seabed Authority to be the last speakers in the debate on this item this afternoon. It is my understanding that those two observers, for whom this item is of direct and immediate concern, will have to depart New York this evening.

Unless I hear any objection, I shall therefore take it that the General Assembly agrees, without setting a precedent, to hear from the Observer of the International Tribunal for the Law of the Sea and Observer for the International Seabed Authority as the last speakers in the debate on this item this afternoon.

It was so decided.

The Acting President: In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on His Excellency Mr. Rüdiger Wolfrum, President of the International Tribunal for the Law of the Sea.

Mr. Wolfrum (International Tribunal for the Law of the Sea): It is a great honour for me to address the General Assembly for the third time. I wanted to report to the Assembly on the organizational and judicial developments, which have taken place with respect to the Tribunal since the last meeting of the General Assembly. Due to time constraints, I will skip the organizational matters and concentrate on judicial matters, highlighting some developments so that my colleague and friend, His Excellency Satya Nandan, will also have a few minutes to address the Assembly.

This year, the Tribunal delivered two judgements in urgent proceedings regarding prompt release of vessels. One concerned the *Hoshinmaru* Case and the other, the *Tomimaru* Case. In addition, the Special Chamber formed to deal with the case between Chile and the European Community concerning the conservation of swordfish stocks in the South-Eastern Pacific rendered an order regarding the postponement of term limits. The two prompt-release cases, actually applied for on the same day, concern the prompt release of two fishing vessels. They raised a couple of very interesting judicial questions which I will not go into, but it was the first time that the Law of the Sea Tribunal had dealt with questions of acquiescence and confiscation, to name just two of the judicial elements. In the end, the two States parties promptly complied with the two judgements, and I am glad to report that the *Hoshinmaru* was released on the same day the bond was posted.

Let me come to the second issue to which I would like to draw the Assembly's attention. The two new cases the Tribunal has adjudicated this year were confined to instances where the jurisdiction of the Tribunal is a compulsory one, namely prompt release of vessels and crews.

I should stress however that the primary task of the Tribunal is to settle disputes arising from the interpretation and application of the Convention. Since only a limited number of States have made declarations under article 287 of the Convention, it is hoped that an increasing number will make such declaration as called for in the draft resolution. I would like to mention that Trinidad and Tobago had recently made such a declaration, and I very much hope that other States will follow that example.

The choice of procedure under article 287 of the Convention is of particular relevance as, apart from the Tribunal, there are two other compulsory procedures under the Convention, namely the International Court of Justice and arbitration constituted in accordance with Annex VII of the Convention. The default procedure, however, is arbitration constituted in accordance with Annex VIII of the Convention. That explains why the provisional measures, cases the Tribunal has dealt with under article 290, paragraph 5, of the Convention were subjects of subsequent proceedings before Annex VII on arbitral tribunals. I am referring to the Southern Bluefin Tuna Cases, the Mox Plant Case and the Land Reclamation Case recently referred to by the representative of Malaysia.

In handling those cases, the Tribunal has not only made a significant contribution to the development of environmental law, but has also assisted the parties in resolving their differences. In that regard, allow me to refer to an article published by Professor J.G. Merrills, who stated that it was clear that in all three cases the main substantive contribution came not from Annex VII, concerning the arbitration tribunal, which was supposedly designed to determine the merits, but rather from the International Tribunal for the Law of the Sea exercising its incidental jurisdiction.

I will briefly highlight the advantages of the Tribunal over arbitration. Parties may choose any of the 21 judges to sit on the Chamber or may also appoint judges ad hoc. Parties may also propose modifications or additions to the rules of the Tribunal if they choose an ad hoc Chamber. Furthermore, parties do not have to bear the costs of any fees and the Tribunal is free to States parties. Likewise, the remuneration of judges and registry staff members is financed through the regular budget of the Tribunal and not by the parties to the disputes. This is particularly advantageous when all the costs relating to the functioning of an arbitral tribunal are taken into consideration, namely remuneration of arbitrators, registrar, registry staff members, rental of premises and translation and interpretation services.

As has already been mentioned, the Tribunal is called upon to give an interpretation not only of the

Law of the Sea Convention, but also of other law of the sea-related conventions. Reference has also been made to the Nairobi International Convention on the Removal of Wrecks. It is to be hoped that in future, other such international agreements will contain a dispute settlement clause such as that contained in the Nairobi Convention. The full text of my statement now being distributed, will hopefully also be available to the Assembly in electronic form.

The Acting President: I thank the President of the International Tribunal for the Law of the Sea for his indication that his interesting and very detailed text will hopefully be available in electronic form.

In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on His Excellency Mr. Satya Nandan, Secretary-General of the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I thank you, Sir, for allowing me to speak at this late hour, and thank the Assembly for making that possible. I also thank the interpreters for their forbearance. I will try to abridge my statement, but will subsequently circulate the full text.

As others have already noted, today is a very significant day in the life of the United Nations Convention on the Law of the Sea. It is 25 years to the day since the Convention was opened for signature at Montego Bay, Jamaica. I recall that occasion vividly as I signed the Convention on behalf of my country. The opening for signature was itself a significant occasion, but more importantly, on that day 119 countries came forward to sign the Convention. That was a remarkable achievement for a complex and comprehensive convention. Moreover, it represented the broad support the Convention had already generated among the international community.

Since then, in order to promote universal participation, we have resolved the outstanding issues on Part XI through the 1994 implementation Agreement. We have also further elaborated the Convention through the 1995 Fish Stocks Agreement. As a result, there are today 155 parties to the Convention.

I congratulate all members of the General Assembly on that impressive achievement, which brings to fruition the hopes of all those who spent so many years negotiating a regime that would be acceptable and thus receive the support of all States. Slowly but inexorably, the goal of universal acceptance has been achieved, as is evidenced in State practice. That is indeed a cause for celebration.

In the 1970s, when the negotiations on Part XI of the Convention were undertaken, we were led to believe that seabed mining was imminent. The initial predictions on which much of the Part XI regime was based proved to be unduly optimistic in the light of changing political and economic circumstances. The result was a prolonged delay as States and commercial entities adjusted their priorities to meet the demands of a changing global outlook.

The world continues to evolve, however. At this moment, the day when the commercial mining of seabed resources becomes a reality is closer than at any time during the past 25 years. The two main drivers of commercial activity have always been economics and technology. Human ingenuity can rapidly solve technological problems if economic conditions are such as to encourage investment in technology.

Over the past few years, there has been a surge in demand for most of the metals that would be derived from seabed mining. That has led to a rapid and dramatic increase in the price of metals on the world market. Metal market prices rose drastically in 2006, with prices for most metals breaking historical records. Much of that increase in demand and price was driven by surging economic growth in developing new economies, such as those of China, India and Brazil. The result is that current economic conditions for seabed mining are promising and becoming increasingly favourable. One clear indicator of that is the fact that the private sector is taking the lead in developing marine mineral resources in the Western Pacific and has announced a target date of 2010 for commercial production.

The long delay in commercial seabed mining since 1982 has not meant that States parties to the Convention have been idle. In fact, the delay has benefited the international community in at least three ways. First, it has enabled States to work together to establish the International Seabed Authority on a solid footing, based on economy, efficiency and sound free-market principles. Secondly, it has allowed scientists to gain an immeasurably greater understanding of the deep-ocean environment through research and intensive study. Thirdly, it has provided sufficient time

for further elaboration of the legal regime for deep-seabed mining through the regulations adopted by the Authority.

This regime is based not only on sound economic principles, but also on rigorous environmental standards, including the application of the precautionary approach. Indeed, it is fair to say that there are few other activities in the oceans that have been studied and regulated to such a detailed extent before the activity has even taken place.

Most examples of environmental regulation occur as a response to environmental degradation, often as a result of the over-utilization of resources and the incidental destruction of habitats. In the case of the Authority, most of the efforts over the past 10 years have been spent on encouraging the study of deep-sea environments and on working together with scientists from around the world to analyse and disseminate the results of such research for the benefit of all States.

A very good example of this is the recently concluded Kaplan project, which was the first and most successful attempt to analyse the species composition and rates of gene flow of living organisms across the abyssal plains of the Clarion-Clipperton Fracture Zone in the Central Pacific Ocean. The final report of that four-year project, which brought together scientists from the United Kingdom, Japan, France and the United States, was published in May 2007. As a result of the project's success, the Authority is now in discussions with the Global Census of Marine Life on Seamounts (CenSeam) to conduct a similar study of the genetic makeup of the biota on seamounts.

One of the key outcomes of the Kaplan project is a set of recommendations as to scientific criteria for the establishment of marine protected areas, which we refer to more accurately as preservation reference zones. The purpose of such zones would be to safeguard biodiversity in the Clarion-Clipperton Fracture Zone in anticipation of nodule mining.

As far as seabed mining is concerned, the need to set aside areas to preserve their unique flora and fauna was recognized by the drafters of the Convention itself. Under article 162, subparagraph 2 (x), of the Convention, the Council of the Authority has the power to disapprove areas for exploitation where substantial evidence indicates the risk of serious harm to the marine environment. Similarly, under the regulations governing exploration for polymetallic nodules, contractors are required to designate so-called preservation reference zones where no mining shall occur, in order to ensure representative and stable biota of the seabed. Taking into account the outcomes of the Kaplan project, the Authority intends to work with scientists, contractors and the Legal and Technical Commission to develop a comprehensive proposal to establish such reference zones in the Clarion-Clipperton Fracture Zone.

Of course, the increasing likelihood that commercial mining will take place in the foreseeable future makes it all the more important that the Authority complete its work as soon as possible on the elaboration of regulations for exploration for polymetallic sulfides and cobalt-rich crusts. Progress to date on those regulations has been slow. Although it is easy to criticize from the outside, I believe that, far from indicating a lack of will or determination, the length of time that it has taken to develop the regulatory framework for these resources in fact indicates the extreme seriousness with which States have approached the task.

I wish to recall that, in 2006, the Assembly of the Authority made the momentous decision to establish an Endowment Fund. The purposes of the Fund are to promote and encourage the conduct of marine scientific research for the benefit of mankind as a whole. That is to be achieved in two ways: first, by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes; and secondly, by providing them with opportunities to participate in international technical and scientific cooperation, including training, technical assistance and scientific cooperation programmes. In 2007, the Assembly adopted detailed rules of procedure and guidelines necessary for the operation of the Fund. The significance of those decisions cannot be overstated. If the concept of the common heritage of mankind is to mean anything, it is essential that not only the benefits of the resources of the deep seabed, but also scientific knowledge, be shared among all States.

Finally, I wish to remind all members of the Authority that they have the duty to attend and participate in its meetings. In the past, there was considerable concern expressed in the Assembly of the Authority regarding the timing of meetings. In response to those concerns, and with the cooperation of the Department for General Assembly and Conference

Management, this year we have brought forward the annual meeting of the Authority, in the expectation that there will be better attendance, to overcome the recurring problem of lack of a quorum for the meetings of the Assembly of the Authority. Thus, instead of during the usual July-August period, the forthcoming session of the Authority will be held from 26 May to 6 June. That will be preceded by a week-long meeting of the Legal and Technical Commission. I therefore urge all Member States to do their part to ensure that they are represented at the meetings of the Authority in Kingston, especially as we have a number of important decisions to take at the next session.

The Acting President: We shall continue the debate on this item at a later date to be announced in due course.

I wish to thank the interpreters and everyone involved in making it possible to continue to this late hour.

The meeting rose at 6.30 p.m.